IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

CRP.No. 80 of 2007()

OPELE.17/2003 of II ADDL. DISTRICT COURT, PALAKKAD

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PETITIONERS/RESPONDENTS:

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1. SECRETARY. K.S.E.B.,
   VIDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. EXECUTIVE ENGINEER,
   TRANSMISSION DIVIION,
   K.S.E.BOARD, PALAKKAD.

3. ASSISTANT EXECUTIVE ENGINEER,
   K.S.E.B.CONSTRUCTION SUB DIVISION,
   KOLLENGODE.

BY ADV. SRI.N.N.SUGUNAPALAN(SR.)SC,KSEB
SRI.S.SUJIN

RESPONDENT/PETITIONER:

MURUGAN, S/O.CHATHU,
PUDUSSERY VILAYODI P.O.,
VANDITHAVALAM VILLAGE, CHITTUR TALUK,
PALAKKAD DIST.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

C.M.APPLI. No. 107 of 2007

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C.R.P. No. 80 of 2007

Dated this the 23rd day of March, 2007

O R D E R

C.M.Application.No.107/2007.

This is an application seeking for condonation of delay of 248 days in filing the revision. Certified copy of the impugned order produced by the petitioner shows that the order was passed on 31.10.2005. Copy of the order was applied for on 8.11.2005. The date fixed for the petitioner to receive copy was 30.11.2005 but the copy was taken delivery of only on 2.12.2005. Thereafter, this revision is filed only on 25.10.2006 after more than 10 ½ months. The reason for the delay assigned in the affidavit filed in support of C.M. Application is that after receipt of the certified copy and perusal of the same, it was decided to challenge the order; that lower court records had to be obtained from the office of the counsel for the petitioner Board who had appeared in the court below; that Deputy Chief Engineer,Transmission Circle,

Palakkad was requested to collect the lower court records and hand over the same to the counsel engaged in the above C.R.P; that in the meanwhile, the counsel was also addressed by letter dated 22.9.2006 to take steps to prepare and file the C.R.P. and accordingly it was filed on 26.10.2006 and thus the delay of 248 days in filing the revision. The above explanation for delay of more than 10 ½ months after obtaining certified copy of the impugned order is not at all a satisfactory explanation. It appears that the petitioner-Board is of the view that Limitation Act is not applicable for them. There is no merit in this application so as to condone the delay of as many as 248 days.

In the result,I dismiss this C.M.Application.

C.R.P. No. 80 of 2007

C.M.Application.No.102/2007 seeking condonation of delay of 248 days in filing this revision is dismissed. Consequently this revision filed far beyond time is not maintainable and is dismissed.

(K.P.Balachandran, Judge)

ma /True copy/

P.A to Judge